

Calendar No. 308

103D CONGRESS
1ST SESSION

S. 1675

[Report No. 103-188]

To reduce the costs and increase the effectiveness of the Federal Government,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Mr. GLENN, from the Committee on Governmental Affairs, reported the
following original bill; which was read twice and placed on the calendar

A BILL

To reduce the costs and increase the effectiveness of the
Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE AND PURPOSE.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Government Streamlining and Reform Act of 1993”.

6 (b) PURPOSE.—The purpose of this Act is to reduce
7 the costs and increase the effectiveness of the Federal
8 Government by consolidating redundant programs and

1 agencies, streamlining operations, improving management
2 and personnel systems, and promoting economy, effi-
3 ciency, consistency, and accountability in Government pro-
4 grams and services.

5 **SEC. 2. THE COMMISSION.**

6 (a) **ESTABLISHMENT.**—There is established an inde-
7 pendent commission to be known as the Commission on
8 Government Streamlining and Reform (hereafter in this
9 Act referred to as the “Commission”).

10 (b) **DUTIES.**—The Commission shall examine and
11 make recommendations to reform the organization and op-
12 erations of the executive branch of the Federal Govern-
13 ment to improve governmental performance while reducing
14 costs. Such recommendations shall promote economy, effi-
15 ciency, effectiveness, consistency, and accountability in
16 Government programs and services, and shall include and
17 be limited to proposals to—

18 (1) consolidate or reorganize programs and
19 agencies in order to—

20 (A) improve the effective implementation
21 of their statutory missions;

22 (B) eliminate activities not essential to the
23 effective implementation of statutory missions;

24 or

(C) reduce the duplication of activities among agencies;

(2) reduce paperwork and regulatory requirements consistent with statutory missions that unreasonably burden either the public or Government;

(3) improve management capacity in agencies (including central management agencies) to maximize productivity, effectiveness, and accountability for program results, including the improvement of—

(A) personnel systems (including the appropriate use of contractors);

(B) budgetary systems;

(C) financial systems;

(D) information systems; and

(E) procurement systems;

(4) coordinate the delivery of Government services to improve procedural consistency and convenience to persons dealing with agencies; and

(5) propose criteria for use by the President and Congress in evaluating proposals to establish, or to assign a function to, an executive entity, including a Government corporation or Government-sponsored enterprise.

1 (c) LIMITATIONS ON COMMISSION RECOMMENDA-
2 TIONS.—The Commission's recommendations or proposals
3 under this Act may not provide for or have the effect of—

4 (1) continuing an agency beyond the period au-
5 thorized by law for its existence;

6 (2) continuing a function beyond the period au-
7 thorized by law for its existence;

8 (3) authorizing an agency to exercise a function
9 which is not already being performed by any agency;

10 (4) eliminating the enforcement functions of an
11 agency, except—

12 (A) such functions may be transferred to
13 another executive department or independent
14 agency; and

15 (B) the functions of an independent agency
16 may only be transferred to another independent
17 agency; or

18 (5) adding, deleting, or changing any rule of ei-
19 ther House of Congress.

20 (d) APPOINTMENT.—

21 (1) COMPOSITION.—

22 (A) The Commission shall be composed of
23 9 members. No more than 5 members shall be
24 affiliated with any one political party.

(B) Five members shall be appointed by the President, one of whom the President shall designate as the Chairman of the Commission. In selecting individuals for appointment to the Commission, the President shall consult with—

(i) the Majority Leader of the Senate concerning the appointment of one member;

(ii) the Speaker of the House of Representatives concerning the appointment of one member;

(iii) the Minority Leader of the Senate concerning the appointment of one member; and

(iv) the Minority Leader of the House of Representatives concerning the appointment of one member.

(C) One member shall be appointed by the Majority Leader and one by the Minority Leader of the Senate. One member shall be appointed by the Speaker and one by the Minority Leader of the House of Representatives.

(2) MEMBERSHIP.—A member of the Commission may be any citizen of the United States, includ-

1 ing any elected or appointed public official, career
2 civil servant, or private citizen.

3 (3) CONFLICT OF INTERESTS.—For purposes of
4 the provisions of chapter 11 of part I of title 18,
5 United States Code, a member of the Commission
6 (to whom such provisions would not otherwise apply
7 except for this paragraph) shall be a special Govern-
8 ment employee.

9 (4) DATE OF APPOINTMENTS.—All members of
10 the Commission shall be appointed prior to October
11 15, 1993.

12 (e) TERMS.—Each member shall serve until the ter-
13 mination of the Commission.

14 (f) VACANCIES.—A vacancy on the Commission shall
15 be filled in the same manner as was the original appoint-
16 ment.

17 (g) MEETINGS.—The Commission shall meet as nec-
18 essary to carry out its responsibilities. The Commission
19 may conduct meetings outside the District of Columbia
20 when necessary.

21 (h) PAY AND TRAVEL EXPENSES.—

22 (1) PAY.—(A) Except for an individual who is
23 chairman of the Commission and is otherwise a Fed-
24 eral officer or employee, the chairman shall be paid
25 at a rate equal to the daily equivalent of the mini-

1 mum annual rate of basic pay payable for level III
2 of the Executive Schedule under section 5314 of title
3 5, United States Code, for each day (including trav-
4 eltime) during which the chairman is engaged in the
5 performance of duties vested in the Commission.

6 (B) Except for the chairman who shall be paid
7 as provided under subparagraph (A), each member
8 of the Commission who is not a Federal officer or
9 employee shall be paid at a rate equal to the daily
10 equivalent of the minimum annual rate of basic pay
11 payable for level IV of the Executive Schedule under
12 section 5315 of title 5, United States Code, for each
13 day (including traveltime) during which the member
14 is engaged in the performance of duties vested in the
15 Commission.

16 (2) TRAVEL.—Members of the Commission
17 shall receive travel expenses, including per diem in
18 lieu of subsistence, in accordance with sections 5702
19 and 5703 of title 5, United States Code.

20 (i) DIRECTOR.—

21 (1) APPOINTMENT.—The Commission shall ap-
22 point a Director of the Commission without regard
23 to section 5311(b) of title 5, United States Code.

24 (2) PAY.—The Director shall be paid at the
25 rate of basic pay payable for level IV of the Execu-

1 tive Schedule under section 5315 of title 5, United
2 States Code.

3 (j) STAFF.—

4 (1) APPOINTMENT.—The Director may, with
5 the approval of the Commission, appoint and fix the
6 pay of employees of the Commission without regard
7 to the provisions of title 5, United States Code, gov-
8 erning appointment in the competitive service, and
9 any Commission employee may be paid without re-
10 gard to the provisions of chapter 51 and subchapter
11 III of chapter 53 of that title relating to classifica-
12 tion and General Schedule pay rates, except that a
13 Commission employee may not receive pay in excess
14 of the annual rate of basic pay payable for level V
15 of the Executive Schedule under section 5316 of title
16 5, United States Code.

17 (2) DETAIL.—(A) Upon request of the Direc-
18 tor, the head of any Federal department or agency
19 may detail any of the personnel of the department
20 or agency to the Commission to assist the Commis-
21 sion in carrying out its duties under this Act.

22 (B) Upon request of the Director, a Member of
23 Congress or an officer who is the head of an office
24 of the Senate or House of Representatives may de-
25 tail an employee of the office or committee of which

1 such Member or officer is the head to the Commis-
2 sion to assist the Commission in carrying out its du-
3 ties under this Act.

4 (C) Any Federal Government employee may be
5 detailed to the Commission with or without reim-
6 bursement, and such detail shall be without inter-
7 ruption or loss of civil service status or privilege.

8 (k) SUPPORT.—

9 (1) SUPPORT SERVICES.—The Office of Man-
10 agement and Budget shall provide support services
11 to the Commission.

12 (2) ASSISTANCE.—The Comptroller General of
13 the United States may provide assistance, including
14 the detailing of employees, to the Commission in ac-
15 cordance with an agreement entered into with the
16 Commission.

17 (l) OTHER AUTHORITY.—The Commission may pro-
18 cure by contract, to the extent funds are available, the
19 temporary or intermittent services of experts or consult-
20 ants pursuant to section 3109 of title 5, United States
21 Code. The Commission shall give public notice of any such
22 contract before entering into such contract.

23 (m) APPLICATION OF FEDERAL ADVISORY COMMIT-
24 TEE ACT.—The Commission shall be subject to the provi-

1 sions of the Federal Advisory Committee Act (5 U.S.C.
2 App.).

3 (n) FUNDING.—There are authorized to be appro-
4 priated to the Commission such sums as are necessary to
5 enable the Commission to carry out its duties under this
6 Act, such sums to remain available until December 31,
7 1995.

8 (o) TERMINATION.—The Commission shall terminate
9 no later than December 31, 1995.

10 **SEC. 3. DEFINITION.**

11 For purposes of this Act the term “agency” includes
12 all Federal departments, independent agencies, Govern-
13 ment-sponsored enterprises, and Government corpora-
14 tions.

15 **SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.**

16 (a) NATIONAL PERFORMANCE REVIEW.—

17 (1) SUBMISSION TO COMMISSION.—No later
18 than October 31, 1993, the President may submit to
19 the Commission a report making recommendations
20 to reform the organization and operations of the ex-
21 ecutive branch of the Federal Government. Such re-
22 port shall contain a single legislative proposal (in-
23 cluding legislation proposed to be enacted) to imple-
24 ment those recommendations for which legislation is
25 necessary or appropriate.

1 (2) COMMISSION REVIEW.—No later than De-
2 cember 31, 1993, the Commission shall submit to
3 the President—

4 (A) a single legislative proposal (including
5 legislation proposed to be enacted), which shall
6 consist of all, or any part of, the legislative pro-
7 posal received from the President under para-
8 graph (1), and any recommendations for fur-
9 ther revisions to the legislative proposal; or

10 (B) a message that the Commission was
11 unable to agree on such a proposal.

12 (3) SUBMISSION TO THE CONGRESS.—No later
13 than 30 calendar days after receiving a single legis-
14 lative proposal (including legislation proposed to be
15 enacted) from the Commission, the President shall—

16 (A) submit such legislative proposal with-
17 out modification, except for any revisions con-
18 sistent with the Commission's recommenda-
19 tions, to the Congress for legislative action
20 under section 6; or

21 (B) transmit to the Congress a message
22 stating that he is not transmitting such legisla-
23 tive proposal for legislative action under section
24 6, together with a statement of the reasons for
25 doing so.

1 (b) IN GENERAL.—No later than March 31, 1995,
2 the Commission shall prepare and submit no more than
3 three preliminary reports to the President and Congress,
4 each of which shall include—

5 (1) a description of the Commission’s findings
6 and recommendations regarding reform of the orga-
7 nization and operations of the executive branch, tak-
8 ing into account any recommendations submitted by
9 the President to the Congress under subsection (a);

10 (2) reasons for such recommendations; and

11 (3) a single legislative proposal (including legis-
12 lation proposed to be enacted) to implement those
13 recommendations for which legislation is necessary
14 or appropriate.

15 (c) COMMISSION VOTES.—No legislative proposal or
16 preliminary or final report (including a final report after
17 disapproval) may be submitted by the Commission to the
18 President without the affirmative vote of at least 7 mem-
19 bers.

20 (d) DEPARTMENT AND AGENCY COOPERATION.—All
21 Federal departments, agencies, and divisions and employ-
22 ees of all departments, agencies, and divisions shall co-
23 operate fully with all requests for information from the
24 Commission and shall respond to any such requests for

1 information within 30 calendar days or such other time
2 agreed upon by the requesting and requested parties.

3 **SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.**

4 (a) **PRELIMINARY REPORT AND REVIEW PROCE-**
5 **DURE.**—Any preliminary report submitted to the Presi-
6 dent and Congress under section 4(b) shall be made imme-
7 diately available to the public. During the 60-day period
8 beginning on the date on which the preliminary report is
9 submitted, the Commission shall announce and hold public
10 hearings for the purpose of receiving comments on the re-
11 ports.

12 (b) **FINAL REPORT.**—No later than 45 days after the
13 conclusion of the period for public hearing under sub-
14 section (a), the Commission shall prepare and submit a
15 final report to the President. Such report shall be made
16 available to the public on the date of submission to the
17 President.

18 (c) **REVIEW BY THE PRESIDENT.**—

19 (1) **IN GENERAL.**—No later than 15 calendar
20 days after receipt of a final report under subsection
21 (b), the President shall approve or disapprove the re-
22 port.

23 (2) **APPROVAL.**—If the report is approved, the
24 President shall submit the report to the Congress for
25 legislative action under section 6.

1 (3) DISAPPROVAL.—If the President dis-
2 approves a final report, the President shall report
3 specific issues and objections, including the reasons
4 for any changes recommended in the report, to the
5 Commission and the Congress.

6 (4) FINAL REPORT AFTER DISAPPROVAL.—The
7 Commission shall consider any issues or objections
8 raised by the President and may modify the report
9 based on such issues and objections. No later than
10 30 calendar days after receipt of the President's dis-
11 approval under paragraph (3), the Commission shall
12 submit the final report (as modified if modified) to
13 the President. No later than 14 calendar days after
14 receiving such final report, the President shall sub-
15 mit such report (without modification) for legislative
16 action under section 6, or transmit a message to the
17 Congress stating that he is not transmitting such re-
18 port for legislative action under section 6 and stat-
19 ing the reasons for so doing.

20 **SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM**
21 **PROPOSALS.**

22 (a) DEFINITIONS.—For purposes of this section—

23 (1) the term “implementation bill” means only
24 a bill which is introduced as provided under sub-
25 section (b), and contains the proposed legislation—

1 (A) included in the final report submitted
2 to the Congress under section 5(c) (2) or (4),
3 without modification; or

4 (B) included in the recommendations sub-
5 mitted by the President under section 4(a)(3);
6 and

7 (2) the term “calendar day of session” means
8 a calendar day other than one on which either
9 House is not in session because of an adjournment
10 of more than three days to a date certain.

11 (b) INTRODUCTION, REFERRAL, AND REPORT OR
12 DISCHARGE.—

13 (1) INTRODUCTION.—On the first calendar day
14 of session on which both Houses are in session, on
15 or immediately following the date on which a pro-
16 posal is submitted to the Congress under section
17 4(a)(3) or a final report is submitted to the Con-
18 gress under section 5(c) (2) or (4), an implementa-
19 tion bill shall be introduced (by request)—

20 (A) in the Senate by the Majority Leader
21 of the Senate, for himself and the Minority
22 Leader of the Senate, or by Members of the
23 Senate designated by the Majority Leader and
24 Minority Leader of the Senate; and

1 (B) in the House of Representatives by the
2 Majority Leader of the House of Representa-
3 tives, for himself and the Minority Leader of
4 the House of Representatives, or by Members of
5 the House of Representatives designated by the
6 Majority Leader and Minority Leader of the
7 House of Representatives.

8 (2) REFERRAL.—The implementation bills in-
9 troduced under paragraph (1) shall be referred to
10 the appropriate committee, or committees for consid-
11 eration of those provisions within their respective ju-
12 risdictions. A committee to which an implementation
13 bill is referred under this paragraph may report
14 such bill to the respective House with amendments
15 proposed to be adopted. No such amendment may be
16 proposed unless such proposed amendment is ger-
17 mane to such bill.

18 (3) REPORT OR DISCHARGE.—If any committee
19 to which an implementation bill is referred has not
20 reported such bill by the end of the 30th calendar
21 day of session after the date of the introduction of
22 such bill, such committee shall be immediately dis-
23 charged from further consideration of such bill, and
24 upon being reported or discharged from all commit-

tees, such bill shall be placed on the appropriate calendar.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth calendar day of session after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a privileged motion to proceed to the consideration of the implementation bill (but only on the day after the calendar day on which such Senator announces on the floor of the Senate an intention to make such motion). The motion is not debatable. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

1 (2) DEBATE.—In the Senate, no amendment
2 which is not germane to the bill shall be in order.
3 A motion to postpone is not in order. A motion to
4 recommit the implementation bill is not in order. A
5 motion to reconsider the vote by which the imple-
6 mentation bill is agreed to or disagreed to is not in
7 order.

8 (3) MOTION TO SUSPEND OR WAIVE APPLICA-
9 TION.—No motion to suspend or waive the applica-
10 tion of this subsection shall be in order, nor shall it
11 be in order for the Presiding Officer to entertain a
12 request to suspend the application of this subsection
13 by unanimous consent.

14 (4) APPEALS FROM CHAIR.—Appeals from the
15 decisions of the Chair relating to the application of
16 the rules of the Senate to the procedure relating to
17 an implementation bill shall be decided without de-
18 bate.

19 (d) CONSIDERATION IN THE HOUSE OF REPRESENT-
20 ATIVES.—

21 (1) IN GENERAL.—At any time on or after the
22 fifth session day after the date on which each com-
23 mittee of the House of Representatives to which an
24 implementation bill is referred has reported that bill,
25 or has been discharged under subsection (b)(3) from

1 further consideration of that bill, the Speaker may,
2 pursuant to clause 1(b) of rule XXIII, declare the
3 House resolved into the Committee of the Whole
4 House on the State of the Union for the consider-
5 ation of that bill. All points of order against the bill,
6 the consideration of the bill, and provisions of the
7 bill shall be waived, and the first reading of the bill
8 shall be dispensed with. After general debate, which
9 shall be confined to the bill and which shall not ex-
10 ceed 10 hours, to be equally divided and controlled
11 by the Majority Leader and the Minority Leader, the
12 bill shall be considered for amendment by title under
13 the five-minute rule and each title shall be consid-
14 ered as having been read.

15 (2) AMENDMENTS.—Each amendment shall be
16 considered as having been read, shall not be subject
17 to a demand for a division of the question in the
18 House or in the Committee of the Whole, and shall
19 be debatable for not to exceed 30 minutes, equally
20 divided and controlled by the proponent and a Mem-
21 ber opposed thereto, except that the time for consid-
22 eration, including debate and disposition, of all
23 amendments to the bill shall not exceed 20 hours.

24 (3) FINAL PASSAGE.—At the conclusion of the
25 consideration of the bill, the Committee shall rise

1 and report the bill to the House with such amend-
2 ments as may have been agreed to, and the previous
3 question shall be considered as ordered on the bill
4 and amendments thereto to final passage without in-
5 tervening motion except one motion to recommit.

6 (e) CONFERENCE.—

7 (1) APPOINTMENT OF CONFEREES.—In the
8 Senate, a motion to elect or to authorize the ap-
9 pointment of conferees shall not be debatable.

10 (2) CONFERENCE REPORT.—No later than 20
11 calendar days of session after the appointment of
12 conferees, the conferees shall report to their respec-
13 tive Houses.

14 (f) RULES OF THE SENATE AND HOUSE.—This sec-
15 tion is enacted by Congress—

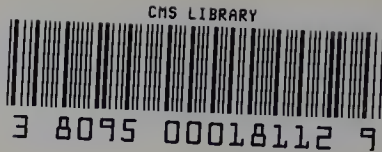
16 (1) as an exercise of the rulemaking power of
17 the Senate and House of Representatives, respec-
18 tively, and as such it is deemed a part of the rules
19 of each House, respectively, but applicable only with
20 respect to the procedure to be followed in that
21 House in the case of an implementation bill de-
22 scribed in subsection (a), and it supersedes other
23 rules only to the extent that it is inconsistent with
24 such rules; and

1 (2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to the procedure of that House) at any time,
4 in the same manner, and to the same extent as in
5 the case of any other rule of that House.

6 **SEC. 7. IMPLEMENTATION.**

7 (a) **RESPONSIBILITY FOR IMPLEMENTATION.**—The
8 Director of the Office of Management and Budget shall
9 have primary responsibility for implementation of the
10 Commission's report and the Act enacted under section
11 6 (unless such Act provides otherwise). The Director of
12 the Office of Management and Budget shall notify and
13 provide direction to heads of affected departments, agen-
14 cies, and programs. The head of an affected department,
15 agency, or program shall be responsible for implementa-
16 tion and shall proceed with the recommendations con-
17 tained in the report as provided under subsection (b).

18 (b) **DEPARTMENTS AND AGENCIES.**—After the enact-
19 ment of an Act under section 6, each affected Federal de-
20 partment and agency as a part of its annual budget re-
21 quest shall transmit to the appropriate committees of Con-
22 gress its schedule for implementation of the provisions of
23 the Act for each fiscal year. In addition, the report shall
24 contain an estimate of the total expenditures required and
25 the cost savings to be achieved by each action, along with



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A BILL

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Placed on the calendar